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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/370,792      | 08/05/1999  | DIYA SOUBRA          | 50944.6100          | 8509             |

25700 7590 05/04/2004

FARJAMI & FARJAMI LLP  
26522 LA ALAMEDA AVENUE, SUITE 360  
MISSION VIEJO, CA 92691

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| EXAMINER |
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TSEGAYE, SABA

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| ART UNIT | PAPER NUMBER |
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2662

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DATE MAILED: 05/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/370,792

Applicant(s)

SOUBRA ET AL

Examiner

Saba Tsegaye

Art Unit

2662

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 February 2004.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 9-32 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 9-32 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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***Claim Rejections - 35 USC § 102***

1. Claims 9-32 are rejected under 35 U.S.C. 102(e) as being anticipate by Foltan et al. (6,667,972).

Regarding claims 9, 17 and 25, Foltan discloses, in Figs. 1, 4 and 5, a device driver (module controller 206,322) for use with a communication device (200) the communication device including a modem module (340-2) and a voice module (340-1), an application program running on an operating system (column 7, lines 53-56), the operating system including a modem application program interface capable of communicating with the application program using a plurality of modem calls (column 10, lines 54-65), the device driver comprising:

an initiation module configured to receive a voice connection request for establishing a voice connection using the application program (column 6, line 60-column 7, line 16; column 7, lines 53-58);

an establishment module configured to process the voice connection request, and in response to the voice connection request, establish a modem interface for use with the modem API for communicating data related to the plurality of modem calls and establish a voice interface for use with the voice module (column 10, line 54-column 11, line 10; column 12, line 40-column 13, line12) ; and

an interaction module configured to convert the data received through the modem interface to generate converted data for use by the voice module, and configured to transport the converted data through the voice interface to the voice module (column 6, lines 46-59; column 9, lines 6-24);

wherein the device driver establishes the modem interface to represent the voice connection to the application program as modem connection and facilitated the voice connection using the application program communicating with the modem interface using the modem API using the plurality of modem calls (column 7, lines 53-58; column 9, lines 6-32).

Regarding claims 10, 18 and 26, Foltan discloses the device driver, wherein the operating system further includes a network API and a network interface (210), wherein the network interface is in communication with the network API and a network (101, 102), and wherein the application program establishes a voice connection between the voice module and the network through the device driver, the modem API, the network API and the network interface (column 6, lines 15-45).

Regarding claims 11, 19 and 27, Foltan discloses the device driver, wherein the voice connection request is received from a remote user over a communication interface coupled to the communication device (column 6, lines 60-column 7, line 16).

Regarding claims 12, 20 and 28, Foltan discloses the device driver, wherein the voice connection request is received from the modem API (column 22, lines 34-49).

Regarding claims 13, 21 and 29, Foltan discloses the device driver, wherein the interaction module is further configured to convert data received from the communication device

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through the voice interface prior to transmission to the modem API through the modem interface (column 6, lines 46-59; column 9, lines 6-24).

Regarding claims 14, 22 and 30, Foltan discloses the device driver wherein the plurality of modem calls includes calls, instruction calls and data calls (column 10, lines 54- column 11, line 32).

Regarding claims 15, 23 and 31, Foltan discloses the device driver wherein the converted data includes a plurality of voice calls (column 6, lines 46-59).

Regarding claims 16, 24 and 32, Foltan discloses the device driver wherein the plurality of voice calls includes control calls, instruction calls and data calls (column 10, lines 54- column 11, line 32).

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 9-32 have been considered but are moot in view of the new ground(s) of rejection.

3. Applicant's arguments filed 2/18/04 have been fully considered but they are not persuasive. Applicant argues that Foltan does not disclose a device driver that makes the API and /or the operating system think that they are communicating with a modem module, where in fact they are communicating with a voice module.

However, Examiner disagrees with Applicant contention. A modem connection is a connection that carries data with IP packets. Foltan discloses that API is provided between the host 260 and the modules 250 which allows each to determine the services and capabilities of the other. Further, Foltan discloses that module 250 converts voice to packet data and also converts packet data to voice data (column 9, lines 5-31). Therefore, it is understandable that the API and /or the operating system think that they are communicating with a modem module (since the voice data is converted to packet data, as stated above), where in fact they are communicating with a voice module.

### *Conclusion*

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Saba Tsegaye whose telephone number is (703) 308-4754. The examiner can normally be reached on Monday-Friday (7:30-5:00), First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on (703) 305-4744. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ST

April 30, 2004



**JOHN PEZZLO**  
**PRIMARY EXAMINER**